

REMARKS

Responsive to the Office action mailed October 23, 2009, which action was made final, applicants request entry of the foregoing amendments, consideration of the following remarks and reconsideration of the rejections set forth in said office action. A Request for Continued Examination and the requisite fee is filed herewith. A petition for extension of time to April 23, 2010 and the requisite fee is filed herewith.

Claims 4, 5 and 8-11 were rejected under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2003/0149205 (herein after Callais et al. '205). Applicants submit that Callais et al. '205 fails to anticipate the present invention as currently claimed.

Commonly owned, and sharing a common inventor, Callais et al. '205 discloses a process for the controlled free radical solution polymerization to a level of solids suitable for use as low volatile organic solvent coating compositions while maintaining viscosity suitable for such coatings of monomers comprising substituted or unsubstituted acrylic acid, or esters thereof in a solvent suitable for high solids coating application at a monomer concentration sufficient to give the desired polymer concentration. The process disclosed by Callais et al. '205 is limited to a process that produces a polymer solution having a specific level of solids and viscosity. The process of the present invention is not so limited and as such, Callais et al. '205 fails to anticipate the present invention. Furthermore, in the disclosure of Callais et al. '205 structure R²² of formula Z2 is described as being a straight chain alkyl, branched chain alkyl, or cyclic alkyl groups of from 1 to 50 carbon atoms which alkyl groups may be unsubstituted or substituted and R²² may also be hydrogen. The process of the present invention employees alkoxyamines in which the substituents can include a phenyl radical, an alkali metal, H₄N⁺, Bu₄N⁺ or Bu₃HN⁺. Applicants submit that Callais et al. '205 fails to an alkoxyamine of the formula claimed in the present application. Applicants submit that Callais et al. '205 fails to disclose each and every feature of the present invention and fails to anticipate the present invention.

Claims 3 and 22 were rejected under 35 USC 103(a) as being unpatentable over Callais et al. '205, which is commonly owned and shares a common inventor. Applicants submit that Callais et al. '205 fails to disclose the alkoxyamines of the present invention in which R₂ is Na. Applicants submit that it is not obvious to replace the straight chain alkyl, branched chain alkyl, or cyclic alkyl groups of from 1 to 50 carbon atoms which alkyl groups may be unsubstituted or substituted and R''₂₂ may also be hydrogen of Calais et al. '205 with Na.

Claims 3-5, 8-11 and 22 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,569,967 (hereinafter Couturier et al. '967) in view of US Patent No. 5,763,548 (herein after Matyjaszewski et al. '548). Applicants submit that Couturier et al. '967 and Matyjaszewski et al. '548 either alone or in combination fail to render obvious the present invention.

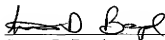
Applicants submit that Couturier et al. '967 fails to either anticipated or render obvious the method of the present invention. The claims of the present application are directed toward a process in which an alkoxyamine of a specified formula is employed. In the formula of the claims of the present application disclose that R² can be a phenyl radical, an alkali metal, H₄N⁺, Bu₄N⁺ or Bu₃HN⁺. The alkali metal can be Li, Na or K (claim 22). Applicants submit that Couturier et al. '967 fails to provide any disclosure of, or render obvious use of such compounds in the claimed process. Applicants submit that the teaching of Matyjaszewski et al. '548 that brominated carboxylic esters are equivalent in function to brominated carboxylic acids for an ATRA process, when combined with the disclosure of Couturier et al. '967 fails to anticipate or render obvious the specific alkoxyamines of the present invention. The combination of the teaching of Matyjaszewski et al. '548 with Couturier et al. '967 would comprise some form of the alkoxyamines of Couturier et al. '967 with some form a brominated carboxylic acids. Applicants submit that such a combination does not render obvious the alkoxyamines derived from β -phosphorated nitroxides of the present invention which are devoid of bromine.

In view of the foregoing remarks, applicant respectfully submits that claims 3-5, 8-11, and 22 of the present application are in condition for allowance and prompt favorable action is

solicited.

Date: April 21, 2010

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven D. Boyd", written over a horizontal line.

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